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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,474	03/05/1999	HIDEICHI NITTA	1422-371P	7077

7590 02/21/2002

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/21/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/254,474

Examiner

Lorna M. Douyon

Applicant(s)

NITTA ET AL.

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

THE REPLY FILED 05 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 05 November 2001. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: None.
- Claim(s) objected to: None.
- Claim(s) rejected: 5-10 and 13-19.
- Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other: _____

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit: 1751

Continuation of 6. does NOT place the application in condition for allowance because: of the same reasons as in paper number 9.

In addition, Applicants argue that Example 3 and claim 11 of Barletta appear to be using a wet-neutralization step and not a dry-neutralization step as required in the present claims. The Examiner respectfully disagrees with this argument because of the following reasons. In addition to the teachings of Barletta regarding the use of powdered solids like sodium carbonate as a neutralizing agent, already referred to by Applicants, Barletta also teaches in col. 1, lines 23-27 that the invention include modifications of the processes wherein powdered builder salts may be employed as neutralizing agents instead of aqueous neutralizing solutions. See also col. 2, lines 34-36 and col. 4, lines 61-68. In col. 7, lines 9-13, Barletta also teaches that in another variation of the invention the reaction vessel may be employed as a mixer for detergent acid and such may be sprayed onto neutralizing alkaline builder particles in the absorption zone. It is therefore clear that Barletta not only teaches wet neutralization but also dry neutralization.

With respect to Tadsen, Applicants argue that Tadsen recites broad ranges of contents of components without providing any guidance to the significance of the ranges and point to Tables 5-10 of the application (pages 82-90) for superior results when the molar ratios recited in the claims of the present invention are used. In response to this argument, the showing in Tables 5-10 have been carefully considered, however, the showing is not commensurate in scope with the claims.